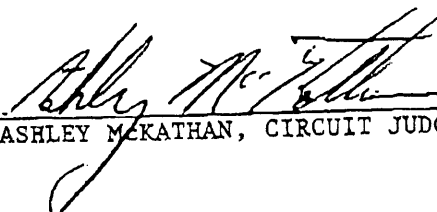
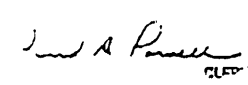


Attn: James Trude
AG's office

CC-2003-419



State of Alabama Unified Judicial System Form C-18 Rev. 10/86	<h2 style="margin: 0;">JUDGEMENT/ORDER</h2>	Case Number CC - 2003 - 419
<div style="display: flex; justify-content: space-between;"><div>IN THE _____ CIRCUIT _____ COURT OF _____, ALABAMA <small>(Circuit, District or Municipal)</small></div><div>COVINGTON COUNTY <small>(Name of County or Municipality)</small></div></div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"><div>STATE OF ALABAMA Plaintiff</div><div>v. LARYIE EARL JONES Defendant</div></div> <p style="margin-top: 20px;">(For juvenile cases only): In the Matter of: _____</p> <p style="margin-top: 40px; text-align: center;">Trial is continued on defense motion.</p> <p style="margin-top: 10px; text-align: center;">DONE and ORDERED this 23rd day of February, 2004.</p> <div style="text-align: center; margin-top: 30px;"> _____ M. ASHLEY MCKATHAN, CIRCUIT JUDGE</div> <div style="text-align: right; margin-top: 100px;"><p>FILED IN OFFICE</p><p>FEB 26 2004</p> CLERK</div> <div style="margin-top: 100px;"><p style="text-align: right;">_____ Signature of Judge</p><p>Certified as a true copy</p><div style="display: flex; justify-content: space-between; margin-top: 20px;"><div>_____ Date</div><div>By: _____</div></div><p>_____ Clerk</p></div>		

a

R0367 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2003 000419.00
JUDGE ID: MAM

STATE OF ALABAMA VS JONES LARYIE EARL

DATE ACTION, JUDGMENTS, CASE NOTES

- 1-7-04 Order; Set Comp 3-16-04 @ 4:00

1-20-04 Answered Answer to Motion for Discovery

2-4-04 Motion for Bond or Reinstatement Bond - 2/5/04 Order

There is nothing to indicate that the deft is not allowed

3-26-04 Bond with respect to this if no further proceedings

2-28-04 Consolidated Appearance Bond

6-21-04 Answer to Motion for Bond ORDER

Defendant fails to appear as required

Consequently, the Clerk shall issue an alias warrant for
said defendant's arrest, and shall likewise institute
appropriate bond forfeiture proceedings.

June 22, 2004

CIRCUIT JUDGE

6-22-04 Alias Issued; Executed:

State of Alabama Unified Judicial System Form C-18 Rev. 10/96	JUDGEMENT/ORDER	Case Number CC - 2003 - 419
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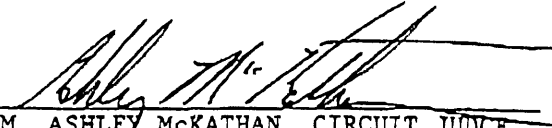
IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
 (Circuit, District or Municipal) (Name of County or Municipality)

State of Alabama v. Laryie Earl Jones
 Plaintiff Defendant

(For juvenile cases only):
 In the Matter of: _____

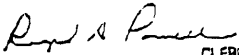
Trial as set this day is continued on defendant's motion. Thereupon, Hon. Grady Lanier seeks permission to withdraw as counsel for Laryie Earl Jones, and that request is GRANTED. Mr. Jones indicates that he will retain new counsel. He is accordingly allowed thirty (30) days to do so. If a retained attorney does not appear within the time allowed, then, in that event, Hon. David Baker shall be deemed to be appointed as the new defense lawyer, all without further order of the Court.

DONE and ORDERED this the 22nd day of September, 2004.


 M. ASHLEY MCKATHAN, CIRCUIT JUDGE

FILED IN OFFICE

SEP 23 2004


 CLERK

 Signature of Judge

Certified as a true copy

 Date

 By: _____
 Clerk

State of Alabama Unified Judicial System Form C-18 Rev. 10/86	JUDGEMENT/ORDER	Case Number CC - 2003 - 419
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IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
(Circuit, District or Municipal) (Name of County or Municipality)

STATE OF ALABAMA v. LARYIE EARL JONES
Plaintiff Defendant

(For juvenile cases only):
In the Matter of: _____

Hon. David Baker moves to withdraw as the attorney for the defendant,
as he has discovered that he has a conflict of interest. That motion is
GRANTED. Accordingly, the trial as set this day should be, and it hereby is,
continued.

In view of the foregoing, it is necessary to designate new counsel for
Mr. Jones, and Hon. Francis M. James is therefore appointed to represent him
from this day forward.

DONE and ORDERED this the 16th day of November, 2004.

FILED IN OFFICE

NOV 16 2004

R. A. Foster
CLERK

Ashley McKathan
M. ASHLEY MCKATHAN, CIRCUIT JUDGE

Signature of Judge

Certified as a true copy

Date _____

By: _____
Clerk

FILED IN OFFICE
FEB 18 2005

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

Randy A. Pinner
CLERK

STATE OF ALABAMA,

PLAINTIFF,

VS.

LARYIE EARL JONES,

DEFENDANT.

*

*

*

*

*

CASE NOS. CC-2003-187

CC-2003-418

~~CC-2003-418~~

CC-2004-347

ORDER

The trial of this case as now set to transpire during the week of February 28, 2005, should be, and it therefore is, continued on motion of the defendant.

DONE and ORDERED this the 15th day of February, 2005.


M. ASHLEY MCKATHAN, CIRCUIT JUDGE

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

LARYIE EARL JONES
DEFENDANT.

CASE NO: CC-03-419

MOTION FOR CONTINUANCE

COMES NOW the Defendant, **Laryie Earl Jones** by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

1. Counsel for Defendant was just recently appointed.
2. Counsel for Defendant has not had adequate time to prepare his case.
3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June, 2005.

THE POWELL LAW FIRM, P.C.

By: Riley Powell
A. Riley Powell, IV (POW029)
Post Office Drawer 969
Andalusia, Alabama 36420
334/222-4103

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing on all counsel of record for the parties by placing a copy of same in the United States mail, postage prepaid and addressed to their regular mailing address, as follows:

Honorable Walt Merrell
District Attorney's Office
Covington County Courthouse
Court Square
Andalusia, Alabama 36420

This the 27 day of June, 2005.

Tiley Powell
Of Counsel

In the Circuit Court of Covington County, Alabama

STATE OF ALABAMA,
Plaintiff

vs.

LARRYIE EARL JONES,
Defendant

Case Numbers

CC-2003-187
CC-2003-418
CC-2003-419
CC-2004-347

CONSENT TO CONTINUANCE

I, Larryie Earl Jones, do hereby consent to my cases being continued by the Court from their current trial setting (June 30, 2005). I also understand that I have an ongoing Motion for Speedy Trial.

I have discussed the continuance and the Speedy Trial Motion with my attorney. I understand my rights and ~~waive~~ knowingly, voluntarily and intelligently consent to the continuance of the trial.

Done this 27th day of June, 2005

[Signature]
Witness

[Signature]
Witness

Larryie Earl Jones
Larryie Earl Jones

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

}

PLAINTIFF,

}

VS.

}

CASE NO: CC-03-419

LARYIE EARL JONES

DEFENDANT.

}

MOTION FOR CONTINUANCE

COMES NOW the Defendant, **Laryie Earl Jones** by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

1. Counsel for Defendant was just recently appointed.
2. Counsel for Defendant has not had adequate time to prepare his case.
3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June, 2005.

THE POWELL LAW FIRM, P.C.

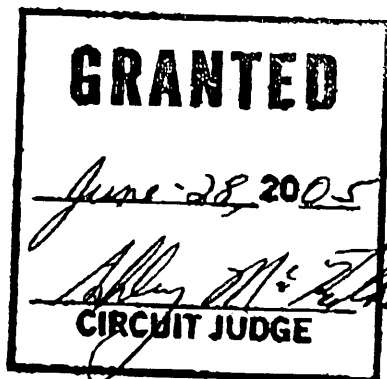
By: Riley Powell

A. Riley Powell, IV (POW029)
Post Office Drawer 969
Andalusia, Alabama 36420
334/222-4103

FILED IN OFFICE

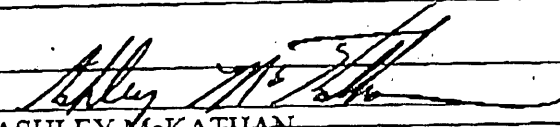
JUN 27 2005

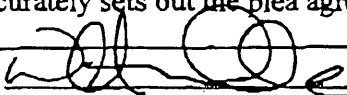
Riley A. Powell
CLERK



State of Alabama Unified Judicial System Form C-7 Rev. 2/79	CASE ACTION SUMMARY CONTINUATION	Case Number <div style="border: 1px solid black; padding: 5px; display: inline-block;"> CC 03 419 <small>ID YR Number</small> </div>
Style: _____ Page Number _____ of _____ Pages		
DATE	STATE OF ALABAMA ACTIONS, JUDGMENTS, CASE NOTES IN THE CIRCUIT COURT OF	
	PLAINTIFF,	* COVINGTON COUNTY, ALABAMA
	VS.	*
	LARYIE EARL JONES,	* CASE NO. CC-2003-419
	DEFENDANT,	*
	ORDER	
	The defendant, Laryie Earl Jones, appeared in open Court in person with Hon. Ab Powell,	
	The partner of his defense counsel of record, and, whereupon the defendant withdrew his plea of	
	not guilty and whereupon the defendant plead guilty to Unlawful Possession of a Controlled	
	Substance (Cocaine), said crime being set forth in Count I of the indictment.	
	Upon his plea of guilty, the Court proceeded per the requirements of the Alabama Rules	
	of Criminal Procedure, by which means it accepted the said plea. On account of the foregoing	
	things, defendant stood and was adjudged to be guilty of Unlawful Possession of a Controlled	
	Substance (Cocaine) as charged in Count I of the indictment. The Court then sentenced such	
	defendant to a term of fifteen (15) years imprisonment in the penitentiary of the State of	
	Alabama under the Habitual Felony Offender Act on Count I. Notwithstanding that fact, it is	
	specifically provided that the defendant shall receive credit for any time already served on this	
	prosecution. Further, and in view of the preceding matters, all other Counts of the indictment are	
	now due to be, and same accordingly are, nolle prossed.	
	Further, the sentence imposed herein shall run concurrently with any time simultaneously	
	served in Covington County Case Numbers CC-2003-187 and CC-2003-418.	

Date	ACTIONS, JUDGMENTS, CASE NOTES
	As additional punishment for the conviction in this particular cause, the defendant was
	ORDERED to pay: all costs incurred herein, including the fees of court appointed defense
	counsel; \$100.00 to the Alabama Crime Victim's Compensation Fund; \$2,000.00 User's Fee
	(Count I); \$100.00 to the forensics trust fund
	Said payments are to be made as follows: <u>\$50.00 per month</u>
	<u>beginning as indicated by separate order bearing even date herewith.</u>
	It is further ORDERED that the defendant: shall submit to substance abuse evaluation by
	the Court Referral Officer and undergo treatment in that level of Substance Abuse Program as
	such officer may recommend; Shall surrender his driver's license to the State Department of
	Public Safety who shall suspend or revoke same for six (6) months by reason of this judgment,
	pursuant to the plea agreement and as required by law; shall, within 30 days of his release from
	incarceration enroll in and successfully complete a twelve (12) month residential substance
	abuse rehabilitation program; shall attend Substance Abuse Recovery meetings (e.g., Narcotics
	Anonymous, Alcoholics Anonymous, etc.) at least once a week; shall forfeit to the State all
	seized evidence in this case for the purpose of destruction; and, upon recommendation of the
	State of Alabama, the Sheriff of Covington County is directed to issue the Defendant a 48 hour
	pass for leave from the Covington County Jail, beginning at 5:00 p.m. on September 28, 2005
	and ending at 5:00 p.m. on September 30, 2005
	The above acts being done, the Court notes that it specifically advised the defendant of
	his limited rights of appeal under Rule 14.4(a)(1)(viii), A.R.Crim.P. but he did not give any kind
	of notice of appeal.

Date	ACTIONS, JUDGMENTS, CASE NOTES
	<p>The defendant did apply for the benefits of probation and herein is granted a split sentence. The defendant shall now serve one (1) year in the penitentiary of the State of Alabama upon his total term in this case, with said split sentence beginning on September 27, 2005 and concluding one (1) year from that date. The defendant shall nonetheless receive credit for time served as specified previously in this Order, but without any deduction therefrom under the Alabama Correctional Incentive Time Act. The execution of the remainder of the defendant's sentence is thereupon suspended, and the defendant is placed upon probation for such remainder by separate order bearing even date herewith.</p> <p>DONE and ORDERED this the <u>27th</u> day of <u>September</u>, 2005.</p> <p style="text-align: right;">  M. ASHLEY McKATHAN CIRCUIT JUDGE </p> <p>I have read over and/or have had read to me by my attorney the above Order and attest I understand said Order and that said Order accurately sets out the plea agreement that I have reached with the State.</p> <p> <u>9/27/05</u> <u>Garie Earl Jones</u> DATE DEFENDANT </p> <p>I have read the above Order and have gone over it with and/or read it to the defendant. I attest that said Order accurately sets out the plea agreement that my client has reached with the State. I further attest that I have discussed this Order with my client to the extent that he has assured me that he understands said Order and that I am comfortable in representing that he understands said Order.</p> <p> <u>9/27/05</u> <u>Attorney for Defendant</u> DATE ATTORNEY FOR DEFENDANT </p>

Date	ACTIONS, JUDGMENTS, CASE NOTES
The State is satisfied that the above order accurately sets out the plea agreement reached by the parties in this matter.	 PROSECUTING ATTORNEY
<u>9/27/05</u> DATE	

DATE 9/27/05

PROSECUTING ATTORNEY

State of Alabama
Unified Judicial System

ORDER OF PROBATION
AFTER ALLOWANCE OF SPLIT SENTENCE

Case Number

CC 03 419
ID YR Number

Form C-33 Rev. 2/81, as modified for local use.

IN THE CIRCUIT COURT OF COVINGTON COUNTY

STATE OF ALABAMA vs. LARRYIE EARL JONES

It appears to the Court the above named defendant has

☒ (plead guilty and) been convicted of the offense of Unl. Poss. of a Controlled Substance (Cocaine)

☐ has been adjudicated a Youthful Offender for the underlying offense of _____

and has been sentenced and granted a split sentence and probation by separate order. Thereupon, it is directed that the following terms and conditions shall govern defendant's probation once he has served his split and is released on probation.

It is the order of the Court that the probationer comply with the following general and special conditions of probation:

Do not violate any Federal, State, or local law.

Avoid injurious or vicious habits.

Avoid persons or places of disreputable or harmful character.

Report to the Probation Officer as directed.

Permit the probation officer to visit him at his home or elsewhere.

Work faithfully at suitable employment as far as possible.

Remain within a specified place to-wit: State of Alabama

Support his dependants to the best of his ability.

Do not change residence or employment without the consent of the Probation Officer.

Pay to the Probation Officer \$30.00 per month during the probation period, pursuant to Section 15-22-2,

Code of Alabama, 1975.

☐ The defendant shall perform _____ hours of community service. Said service shall be approved in advance by the probation officer, and shall then be monitored by him. Further, said service shall be performed in increments of not less than _____ hours per week until it is finished.

☒ The defendant shall submit to substance (drug and/or alcohol) abuse evaluation by the Court Referral Officer and undergo treatment in that level of the Substance Abuse Program as such officer may recommend.

☒ The defendant is not to use alcohol or narcotic drugs, or frequent places where intoxicants or drugs are sold, dispensed, or used unlawfully; not to own, possess or have under your control a firearm; to participate in alcoholic, drug treatment, or other therapeutic programs when instructed to do so by your Probation Officer; to make yourself available for searches and/or tests when ordered by your Probation Officer, including, but not limited to, Urinalysis, Breathalyzer, and blood samples and/or search of your residence, vehicle, or any property under your control.

It is further ordered by the Court that the defendant pay his assessments in this case in the following manner:

The defendant shall remit the sum of \$50.00 per month over unto the Circuit Clerk until every thing he owes in this matter has been completely satisfied.

Other special conditions ordered by the Court are as follows: The remittances as mentioned above shall commence within 60 days of the date on which the defendant finishes the requirements of the next paragraph.

The defendant shall enroll in, and successfully proceed through, a one year long, residential, substance abuse program. Such ~~enrollment~~ shall transpire within 30 days of the date on which the defendant is done with the prison portion of his split-sentence. Further, the substance abuse program chosen by the defendant pursuant hereto must be approved in advance by his probation officer.

The defendant shall forfeit any evidence seized in this case for the purpose of destruction. Finally, the defendant shall attend a Narcotics Anonymous meeting at least once each week for so long as he remains on probation.

FILED IN OFFICE

SEP 27 2005

Roy A. Powers
CLERK

It is the further order of the Court and the defendant is hereby advised that the Court may at any time revoke or modify any conditions of this probation or change the period of probation and may discharge defendant from probation or extend the period of probation. The probationer shall be subject to arrest for violation of any condition of the probation herein granted. The Court may, at any time, for cause, order the original sentence executed.

Ordered at Andalusia, Alabama, this (Date) the 27th day of September, 2005.

Judge

A copy of this order has been delivered to the probationer, who has been instructed regarding same this (date) _____

Probation Officer

The above instructions and conditions have been read and explained, and I hereby accept these conditions, agreeing to abide by them.

Race Age Sex

Probationer sign here

Address of Probationer

State of Alabama Unified Judicial System Form C-44C (front) Rev. 8/95 As rev. for local use 6/98; 6/00, 8/02	<p align="center">EXPLANATION OF RIGHTS AND PLEA OF GUILTY</p> <p align="center">(Habitual Or Non-Habitual Offender -- Circuit or District Court)</p>	Case Number CC-03-419
---	--	--------------------------

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
(Circuit, or District) (Name of County)

STATE OF ALABAMA V. LARYIE EARL JONES
Defendant

TO THE ABOVE-NAMED DEFENDANT: The Court being informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant.

PENALTIES APPLICABLE TO YOUR CASE

You are charged with the following crime(s):

<u>1</u> count(s) of <u>Unl Poss CS</u>	which is a Class <u>C</u>	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.
<u>1</u> count(s) of <u>Unl Poss Drug Paraph</u>	which is a Class <u>A</u>	<input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor.
_____ count(s) of _____	which is a Class _____	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.
_____ count(s) of _____	which is a Class _____	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.

The Court has been informed that you desire to enter a plea of guilt to the crime(s) of:

<u>Unl Poss Cs</u>	on count(s) <u>I</u>	which is a Class <u>C</u>	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.
_____	on count(s) _____	which is a Class _____	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.
_____	on count(s) _____	which is a Class _____	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.
_____	on count(s) _____	which is a Class _____	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor.

The sentencing range for the above crime(s) is set out below:

MISDEMEANOR	FELONY
Class A Up to one (1) year imprisonment in the county jail, or a fine up to \$2000, or both.	Class A Not less than ten (10) years and not more than life or ninety-nine (99) years imprisonment in the state penitentiary, and may include a fine not to exceed \$20,000.
Class B Up to six (6) months imprisonment in the county jail, or a fine up to \$1000, or both.	Class B Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, and may include a fine not to exceed \$10,000.
Class C Up to three (3) months imprisonment in the county jail, or a fine not to exceed \$500, or both.	Class C Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, and may include a fine not to exceed \$5,000.

You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and \$25 and not more than \$1,000 for each misdemeanor for which you are convicted. This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

As a reported Habitual Offender, you are further advised that the Alabama Habitual Offender Act, §13A-5-9, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony.

Prior Felonies → This offense ↓	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
Class C Felony	1 Yr. & 1 Day - 10 Years In State Penitentiary Fine Up To \$5000	2 - 20 Years In State Penitentiary Fine Up To \$10,000	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____
Class B Felony	2 - 20 Years In State Penitentiary Fine Up To \$10,000	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine up To _____	20 Years - Life or 99 Years In State Penitentiary Fine up To _____
Class A Felony	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____	Life Imprisonment or Any Term Of Years Not Less Than 99 Years In State Penitentiary Fine Up To _____	Life Imprisonment or Any Term Of Years Not Less Than 99 Years In State Penitentiary Fine Up To _____

(* means fine amount will be filled in by the Court)

This crime is also subject to the following enhancements or additional penalties, as provided by law (Provisions checked apply to your case):

☐ Enhanced Punishment For Use Of Firearm Or Deadly Weapon: §13A-5-6, Code of Alabama 1975, provides for the enhancement of punishment where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for the following punishment in such event: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B Felony, a term of imprisonment of not less than 10 years; For the commission of a Class C Felony, a term of imprisonment of not less than 10 years.

☐ Enhanced Punishment For Drug Sale Near Housing Project: §13A-12-270, Code of Alabama 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment for each violation.

☐ Enhanced Punishment For Drug Sale Near School: §13A-12-250, Code of Alabama 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.

☐ Enhanced Punishment For Sale Of Controlled Substance To One Under 18: §13A-1-2-215, Code of Alabama 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

☒ Forensic Trust Fund Fee: Section 36-18-7 provides that, in addition to all fines, fees, costs and punishments prescribed by law, there shall be imposed or assessed an additional fee of \$100.00 on any conviction in any court of the state for drug possession, drug sale, drug trafficking and drug paraphernalia offenses as defined in Sections 13A-12-211 to 13A-12-260, inclusive.

Form C-44C (back) Rev. 8/98
As rev. for local use 6/98, 8/00

(Habitual or Non-Habitual Offender - Circuit or District Court)

☒ Drug Demand Reduction Assessment Act and Loss of Driving Privileges: Section 13A-12-281 provides that, if you are convicted of a violation of §§13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Code of Alabama 1975, you shall be assessed an additional fee of \$1000 if you are a first-time offender or \$2000 if you are a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with Court approval, you enter a drug rehabilitation program and if you agree to pay for a part or all of the program costs. Upon successful completion of the program, you may apply to the Court to reduce the penalty by the amount actually paid by you for participation in the program. Any suspension of the penalty can be withdrawn by the Court if you fail to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, you will lose your privilege to drive a motor vehicle for a period of six months, which is also applicable if convicted under §§13A-12-214, 32-5A-191(a)(3) or 32-5A-191(a)(4).

☒ Alcohol Related Offense: If you are convicted of an alcohol or drug-related offense, you will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, you will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any program to which you are referred. Failure to submit to an evaluation or failure to complete any program to which you may be referred will be considered a violation of any probation or parole you may be granted. You may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath tests, and to pay a fee for this service. You may request a waiver of part or all of the fees assessed if you are indigent or for any portion of time you are financially unable to pay. Community service may be ordered by the Court in lieu of the monetary payment of fees by an indigent.

☒ DNA Samples for Criminal Offenses in §36-18-24, Code of Alabama 1975. §36-18-25(c) provides that, as of May 6, 1994, all persons convicted of any of the offenses set out in §36-18-24, shall be ordered by the court to submit to the taking of a DNA sample or samples.

☒ Other: AS SET OUT THE PLEA AGREEMENT.

RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have to answer any questions. If you do answer questions knowing that you have a right to silence, you will have waived your right.

You have the right to enter, and continue to assert, a plea of "not guilty" or "not guilty by reason of mental disease or defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross-examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the Court, and you would have the right to take the witness stand and to testify but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross-examined by the State, just as any other witness is subjected to cross-examination. If you elect not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the Court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the Court.

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL. YOU WILL BE WAIVING THE RIGHTS OUTLINED ABOVE, EXCEPT YOUR RIGHTS RELATING TO REPRESENTATION BY AN ATTORNEY. THE STATE WILL HAVE NOTHING TO PROVE, AND YOU WILL STAND GUILTY AND BE CONVICTED AND SENTENCED BASED ON YOUR GUILTY PLEA. BY ENTERING A PLEA OF GUILTY, YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL, UNLESS (1) YOU HAVE, BEFORE ENTERING THE PLEA OF GUILTY, EXPRESSLY RESERVED THE RIGHT TO APPEAL WITH RESPECT TO A PARTICULAR ISSUE OR ISSUES, IN WHICH EVENT APPELLATE REVIEW SHALL BE LIMITED TO A DETERMINATION OF THE ISSUE OR ISSUES RESERVED, OR (2) YOU HAVE TIMELY FILED A MOTION TO WITHDRAW THE PLEA OF GUILTY AFTER PRONOUNCEMENT OF SENTENCE ON THE GROUND THAT THE WITHDRAWAL IS NECESSARY TO CORRECT A MANIFEST INJUSTICE, AND THE COURT HAS DENIED YOUR MOTION TO WITHDRAW YOUR PLEA, OR THE MOTION HAS BEEN DEEMED DENIED BY OPERATION OF LAW.

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL. IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE, A COPY OF THE RECORD AND THE REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

Date 9/27/05

Judge [Signature]

ATTORNEY'S CERTIFICATE

I certify that the above was fully read to the Defendant by me; that I explained the penalty or penalties involved with the Defendant, that I discussed in detail the Defendant's rights and the consequences of pleading guilty; and that, in my judgment, the Defendant understands the same and that he/she is knowingly, voluntarily and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the Court that I have in no way forced, coerced, induced the Defendant to plead guilty and to my knowledge no one else has done so.

Date 9/27/05

Attorney [Signature]

DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY

I certify to the Court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement that will be stated upon the record.

I further state to the Court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently and voluntarily waive my right to a trial in this case. I further state to the Court that I am satisfied with my attorney's services and his/her handling of my case.

Date 9/27/05

Defendant [Signature]

IN THE CIRCUIT COURT OF
COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

LARYIE JONES

CC-2003-187-MAM
CC-2003-418-MAM
CC-2003-419-MAM
CC-2004-347-MAM

FILED IN OFFICE

APR 11 2005

MOTION TO CONTINUE

Roy A. Powers
CLERK

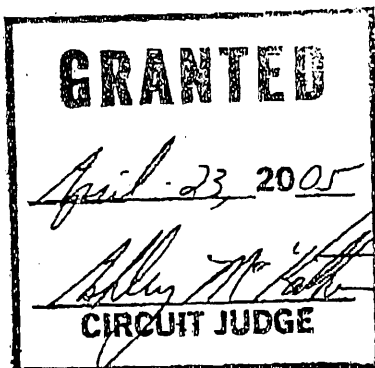
COMES NOW, LARYIE JONES, by counsel, and moves to CONTINUE the trial of this matter now set for April 25, 2005, and cites as grounds therefore as follows:

1. This Honorable Court granted the Defendant's motion for funds for an expert forensic chemist on February 15, 2005.
2. Counsel has offered to pay the custodian of evidence the mileage afforded state employees to transport the evidence to the designated forensic chemist in Auburn, Alabama to expedite the independent testing allowed and authorized by the Court. Counsel has also offered to pay the cost via UPS or FEDEX to transport the evidence. Counsel has offered to stipulate to the chain of custody and make no issue regarding same, at any stage of the case.
3. The custodian of the evidence has declined to release the evidence for testing without a court order. Therefore, no independent testing has taken place.

PREMISE considered, this Honorable Court is requested to continue this matter from the April 25, 2005, docket to permit testing. A separate request for an order to transport the evidence is requested.

Respectfully submitted this April 11, 2005.

Sydney Albert (Al) Smith
Sydney Albert (Al) Smith SMI098
Attorney at Law
P. O. Drawer 389
Elba, Al 36323
Phone: 334-897-3658
Fax: 334-897-8633



CERTIFICATE OF SERVICE

Page 1 of 2

Attn: James Trude
AG's Office

CC - 2003 - 187

IN THE CIRCUIT COURT OF
COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

LARYIE JONES

CC-2003-187-MAM
CC-2003-418-MAM
CC-2003-419-MAM
CC-2004-347-MAM

FILED IN OFFICE

APR 11 2005

MOTION TO CONTINUE

Roy A. Powell
CLERK

COMES NOW, LARYIE JONES, by counsel, and moves to **CONTINUE** the trial of this matter now set for April 25, 2005, and cites as grounds therefore as follows:

1. This Honorable Court granted the Defendant's motion for funds for an expert forensic chemist on February 15, 2005.

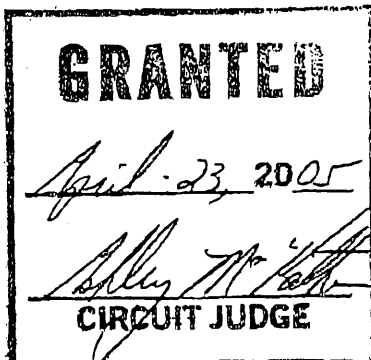
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Respectfully submitted this April 11, 2005.

Sydney Albert (Al) Smith
Sydney Albert (Al) Smith SMI098
Attorney at Law
P. O. Drawer 389
Elba, AL 36323
Phone: 334-897-3658
Fax: 334-897-8633



CERTIFICATE OF SERVICE

Page 1 of 2

ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATION

CASE: CC 2003 000187.00
JUDGE ID: MAM

ALABAMA

VS

JONES LARYIE EARL

ACTION, JUDGMENTS, CASE NOTES

ORDER

February 23, 2009
Trial is continued

on

defense motion.

() by consent

()

as case not reached.

() Trial re-set for

at

m

[Signature]
CIRCUIT JUDGE

State of Alabama
Unified Judicial System

Form C-19 Rev. 10/86

JUDGEMENT/ORDER

Case Number

CC - 2003 - 187

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
(Circuit, District or Municipal) (Name of County or Municipality)

State of Alabama

Plaintiff

v. Laryie Earl Jones

Defendant

(For juvenile cases only):

In the Matter of:

Trial as set this day is continued on defendant's motion. Thereupon, Hon. Grady Lanier seeks permission to withdraw as counsel for Laryie Earl Jones, and that request is GRANTED. Mr. Jones indicates that he will retain new counsel. He is accordingly allowed thirty (30) days to do so. If a retained attorney does not appear within the time allowed, then, in that event, Hon. David Baker shall be deemed to be appointed as the new defense lawyer, all without further order of the Court.

DONE and ORDERED this the 22nd day of September, 2004.

FILED IN OFFICE

SEP 23 2004

Roy A. Power
CLERK

M. Ashley McKathan
M. ASHLEY MCKATHAN, CIRCUIT JUDGE

Signature of Judge

Certified as a true copy

Date

Clerk

By:

State of Alabama Unified Judicial System Form C-18 Rev. 10/86	JUDGEMENT/ORDER	Case Number CC - 2003 - 187
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IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
 (Circuit, District or Municipal) (Name of County or Municipality)

STATE OF ALABAMA v. LARYIE EARL JONES
 Plaintiff Defendant

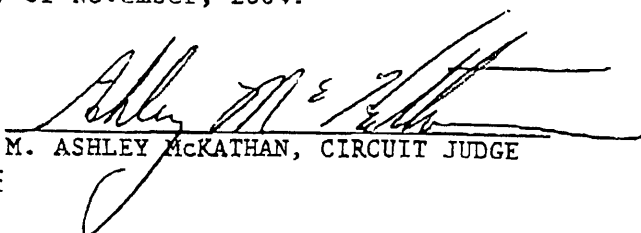
(For juvenile cases only):

In the Matter of: _____

Hon. David Baker moves to withdraw as the attorney for the defendant,
 as he has discovered that he has a conflict of interest. That motion is
 GRANTED. Accordingly, the trial as set this day should be, and it hereby is,
 continued.

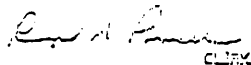
In view of the foregoing, it is necessary to designate new counsel for
 Mr. Jones, and Hon. Francis M. James is therefore appointed to represent him
 from this day forward.

DONE and ORDERED this the 16th day of November, 2004.


 M. ASHLEY MCKATHAN, CIRCUIT JUDGE

FILED IN OFFICE

NOV 16 2004


 CLERK

 Signature of Judge

Certified as a true copy

 Date

 By: _____
 Clerk

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

FILED IN OFFICE

STATE OF ALABAMA,

*

FEB 18 2005

PLAINTIFF,

*

Roy A. Powell
CLERK

VS.

*

CASE NOS.

CC-2003-418

LARYIE EARL JONES,

*

CC-2003-419

DEFENDANT.

*

CC-2004-347

ORDER

The trial of this case as now set to transpire during the week of February 28, 2005, should be, and it therefore is, continued on motion of the defendant.

DONE and ORDERED this the 15th day of February, 2005.


M. ASHLEY MCKATHAN, CIRCUIT JUDGE

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

CASE NO: CC-03-187

LARYIE EARL JONES
DEFENDANT.

MOTION FOR CONTINUANCE

COMES NOW the Defendant, **Laryie Earl Jones** by and through his counsel of record, A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

1. Counsel for Defendant was just recently appointed.
2. Counsel for Defendant has not had adequate time to prepare his case.
3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June, 2005.

THE POWELL LAW FIRM, P.C.

By: Tiley Powell
A. Riley Powell, IV (POW029)
Post Office Drawer 969
Andalusia, Alabama 36420
334/222-4103

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing on all counsel of record for the parties by placing a copy of same in the United States mail, postage prepaid and addressed to their regular mailing address, as follows:

Honorable Walt Merrell
District Attorney's Office
Covington County Courthouse
Court Square
Andalusia, Alabama 36420

This the 27 day of June, 2005.

Tiley Powell
Of Counsel

In the Circuit Court of Covington County, Alabama

STATE OF ALABAMA,
Plaintiff

vs.

LARRYIE EARL JONES,
Defendant

Case Numbers

CC- 2003-187
CC- 2003-418
CC- 2003-419
CC- 2004- 347

CONSENT TO CONTINUANCE

I, Larryie Earl Jones, do hereby consent to my cases being continued by the Court from their current trial setting (June 30, 2005). I also understand that I have an ongoing Motion for Speedy Trial.

I have discussed the continuance and the Speedy Trial Motion with my attorney. I understand my rights and ~~understand~~ knowingly, voluntarily and intelligently consent to the Continuance of the trial.

Done this 27th day of June, 2005

J. Smith
Witness

Connie Lopez
Witness

Larryie Earl Jones
Larryie Earl Jones

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA

STATE OF ALABAMA,

}

PLAINTIFF,

}

VS.

}

CASE NO: CC-03-187

LARYIE EARL JONES
DEFENDANT.

}

FILED IN OFFICE

JUN 27 2005

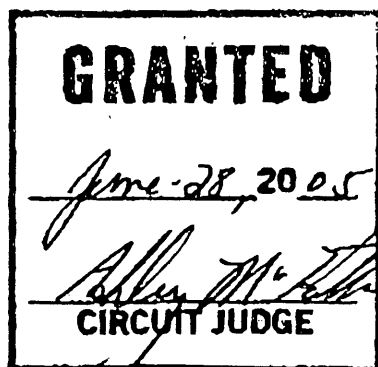
MOTION FOR CONTINUANCE*Riley A. Powell*
CLERK

COMES NOW the Defendant, **Laryie Earl Jones** by and through his counsel of record,
A. Riley Powell, IV, and moves this Honorable Court to continue his trial, currently scheduled
for the Week of June 27, 2005 and as grounds therefor sets down and assigns the following:

1. Counsel for Defendant was just recently appointed.
2. Counsel for Defendant has not had adequate time to prepare his case.
3. See attached Consent to Continuance executed by the Defendant.

Respectfully submitted this 27 day of June, 2005.

THE POWELL LAW FIRM, P.C.



By:

Riley Powell

A. Riley Powell, IV (POW029)
Post Office Drawer 969
Andalusia, Alabama 36420
334/222-4103

State of Alabama
Unified Judicial System
Form C-7 Rev 2/79

CASE ACTION SUMMARY CONTINUATION

Case Number

CC-03-187

Style:

Larry Earl Jones

Page Number _____ of _____ Pages

DATE	ACTIONS, JUDGMENTS, CASE NOTES
9/8/05	Notice of Appeal
"	" " " To the Al Court of Crim.
1	Appeals by the Trial Court Clerk
9/16/05	Order; appeal dismissed
9/16/05	Cert. of Judgment
9/16/05	Motion for Settlement Conference
9-21-05	Motion to strike Surplusage for Indentment & Signature
9-23-05	Order; appeal dismissed
9-23-05	Certificate of Judgment
9-27-05	The defendant withdrew his iniquity defense and same is consequently stricken.
	Alley M. McKathan, Judge.
09/27/05	The defendant and the attorneys in this case appeared this day and selected a jury. Thereupon, the matter was settled as reflected in subsequent entries on this case action summary. Accordingly, the jury is discharged.
	Alley M. McKathan
	M. ASHLEY MCKATHAN, CIRCUIT JUDGE
09/27/05	Explanation of Rights and Plea of Guilty

State of Alabama
Unified Judicial System

CASE ACTION SUMMARY CONTINUATION

Case Number

Form C-7 Rev. 2/79

ID YR Number

Style:

Page Number _____ of _____ Pages

DATE	STATE OF ALABAMA	ACTIONS, JUDGMENTS, CASE NOTES	IN THE CIRCUIT COURT OF
	PLAINTIFF,	*	COVINGTON COUNTY, ALABAMA
	VS.	*	
	LARYIE EARL JONES,	*	CASE NO. CC-2003-187
	DEFENDANT,	*	
	ORDER		
	The defendant, Laryie Earl Jones, appeared in open Court in person with Hon. Ab Powell,		
	The partner of his defense counsel of record, and, whereupon the defendant withdrew his plea of		
	not guilty and whereupon the defendant plead guilty to Unlawful Possession of a Controlled		
	Substance (Cocaine) , said crime being set forth in Count I of the indictment.		
	Upon his plea of guilty, the Court proceeded per the requirements of the Alabama Rules		
	of Criminal Procedure, by which means it accepted the said plea. On account of the foregoing		
	things, defendant stood and was adjudged to be guilty of Unlawful Possession of a Controlled		
	Substance (Cocaine) as charged in Count I of the indictment. The Court then sentenced such		
	defendant to a term of fifteen (15) years imprisonment in the penitentiary of the State of		
	Alabama under the Habitual Felony Offender Act on Count I. Notwithstanding that fact, it is		
	specifically provided that the defendant shall receive credit for any time already served on this		
	prosecution. Further, and in view of the preceding matters, all other Counts of the indictment are		
	now due to be, and same accordingly are, nolle prossed.		
	Further, the sentence imposed herein shall run concurrently with any time simultaneously		
	served in Covington County Case Numbers CC-2003-418 and CC-2003-419.		

PAGE. 14

Transcript of Record

State of Alabama
Unified Judicial System

ORDER OF PROBATION
AFTER ALLOWANCE OF SPLIT- SENTENCE

Case Number

CC 03 187
ID YR Number

Form C-53 Rev. 2/81, as modified for local use.

IN THE _____ CIRCUIT _____ COURT OF _____ COVINGTON _____ COUNTY

STATE OF ALABAMA

vs. LARRYIE EARL JONES

It appears to the Court the above named defendant has

☒ (plead guilty and) been convicted of the offense of Unl. Poss. of a Controlled Substance (Cocaine)

☐ has been adjudicated a Youthful Offender for the underlying offense of _____

and has been sentenced and granted a split sentence and probation by separate order. Thereupon, it is directed that the following terms and conditions shall govern defendant's probation once he has served his split and is released on probation.

It is the order of the Court that the probationer comply with the following general and special conditions of probation:

Do not violate any Federal, State, or local law.

Avoid injurious or vicious habits.

Avoid persons or places of disreputable or harmful character.

Report to the Probation Officer as directed.

Permit the probation officer to visit him at his home or elsewhere.

Work faithfully at suitable employment as far as possible.

Remain within a specified place to-wit: State of Alabama

Support his dependants to the best of his ability.

Do not change residence or employment without the consent of the Probation Officer.

Pay to the Probation Officer \$30.00 per month during the probation period, pursuant to Section 15-22-2, Code of Alabama, 1975.

☐ The defendant shall perform _____ hours of community service. Said service shall be approved in advance by the probation officer, and shall then be monitored by him. Further, said service shall be performed in increments of not less than _____ hours per week until it is finished.

☒ The defendant shall submit to substance (drug and/or alcohol) abuse evaluation by the Court Referral Officer and undergo treatment in that level of the Substance Abuse Program as such officer may recommend.

☒ The defendant is not to use alcohol or narcotic drugs, or frequent places where intoxicants or drugs are sold, dispensed, or used unlawfully; not to own, possess or have under your control a firearm; to participate in alcoholic, drug treatment, or other therapeutic programs when instructed to do so by your Probation Officer; to make yourself available for searches and/or tests when ordered by your Probation Officer, including, but not limited to, Urinalysis, Breathalyzer, and blood samples and/or search of your residence, vehicle, or any property under your control.

It is further ordered by the Court that the defendant pay his assessments in this case in the following manner:

The defendant shall remit the sum of \$50.00 per month over unto the Circuit Clerk until every thing he owes in this matter has been completely satisfied.

Other special conditions ordered by the Court are as follows: The remittances as mentioned above shall commence within 60 days of the date on which the defendant finishes the requirements of the next paragraph.

The defendant shall enroll in, and successfully proceed through, a one year long, residential, substance abuse program. Such ~~entry~~ ^{enrollment} shall transpire within 30 days of the date on which the defendant is done with the prison portion of his split-sentence. Further, the substance abuse program chosen by the defendant pursuant hereto must be approved in advance by his probation officer.

The defendant shall forfeit any evidence seized in this case for the purpose of destruction.

Finally, the defendant shall attend a Narcotics Anonymous meeting at least once each week for so long as he remains on probation.

FILED IN OFFICE

SEP 27 2005

Roy A. Pinner
CLERK

It is the further order of the Court and the defendant is hereby advised that the Court may at any time revoke or modify any conditions of this probation or change the period of probation and may discharge defendant from probation or extend the period of probation. The probationer shall be subject to arrest for violation of any condition of the probation herein granted. The Court may, at any time, for cause, order the original sentence executed.

Ordered at Andalusia, Alabama, this (Date) the 27th day of September, 2005.

Judge

A copy of this order has been delivered to the probationer, who has been instructed regarding same this (date) _____

Probation Officer

The above instructions and conditions have been read and explained, and I hereby accept these conditions, agreeing to abide by them.

Race _____ Age _____ Sex _____

Occupation _____

Probationer sign here

Address of Probationer

State of Alabama Unified Judicial System Form C-44C (Revised 8/95) As revised for local use 6/98; 6/00, 8/02	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Habitual Or Non-Habitual Offender -- Circuit or District Court)	Case Number CC-03-187
---	---	--------------------------

IN THE CIRCUIT COURT OF COVINGTON COUNTY, ALABAMA
(Circuit, or District) (Name of County)

STATE OF ALABAMA V. LARYIE EARL JONES
Defendant

TO THE ABOVE-NAMED DEFENDANT: The Court being informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant.

PENALTIES APPLICABLE TO YOUR CASE

You are charged with the following crime(s):

<u>1</u> count(s) of <u>Unl Poss CS</u>	which is a Class <u>C</u>	<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.
<u>1</u> count(s) of <u>Unl Poss Drug Paraph</u>	which is a Class <u>A</u>	<input type="checkbox"/> Felony	<input checked="" type="checkbox"/> Misdemeanor.
_____ count(s) of _____	which is a Class _____	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.
_____ count(s) of _____	which is a Class _____	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.

The Court has been informed that you desire to enter a plea of guilt to the crime(s) of:

<u>Unl Poss CS</u>	on count(s) <u>I</u>	which is a Class <u>C</u>	<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.
_____	on count(s) _____	which is a Class _____	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.
_____	on count(s) _____	which is a Class _____	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.
_____	on count(s) _____	which is a Class _____	<input type="checkbox"/> Felony	<input type="checkbox"/> Misdemeanor.

The sentencing range for the above crime(s) is set out below:

MISDEMEANOR	FELONY
Class A	Class A
Up to one (1) year imprisonment in the county jail, or a fine up to \$2000, or both.	Not less than ten (10) years and not more than life or ninety-nine (99) years imprisonment in the state penitentiary, and may include a fine not to exceed \$20,000.
Class B	Class B
Up to six (6) months imprisonment in the county jail, or a fine up to \$1000, or both.	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, and may include a fine not to exceed \$10,000.
Class C	Class C
Up to three (3) months imprisonment in the county jail, or a fine not to exceed \$500, or both.	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, and may include a fine not to exceed \$5,000.

You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony and \$25 and not more than \$1,000 for each misdemeanor for which you are convicted. This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

As a reported Habitual Offender, you are further advised that the Alabama Habitual Offender Act, §13A-5-9, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony.

Prior Felonies → This offense ↓	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
Class C Felony	1 Yr. & 1 Day - 10 Years In State Penitentiary Fine Up To \$5000	2 - 20 Years In State Penitentiary Fine Up To \$10,000	18 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____
Class B Felony	2 - 20 Years In State Penitentiary Fine Up To \$10,000	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____	20 Years - Life Imprisonment In State Penitentiary Fine up to _____
Class A Felony	10 Years - Life or 99 Years In State Penitentiary Fine Up To \$20,000	15 Years - Life or 99 Years In State Penitentiary Fine Up To _____	Life Imprisonment or Any Term Of Years Not Less Than 99 Years In State Penitentiary Fine Up To _____	Mandatory Imprisonment For Life, If no prior Class A Felony conviction; parole permitted if judge chooses. Otherwise no parole. Fine up to _____

(* means fine amount will be filled in by the Court)

This crime is also subject to the following enhancements or additional penalties, as provided by law (Provisions checked apply to your case):

☐ Enhanced Punishment For Use Of Firearm Or Deadly Weapon: §13A-5-6, *Code of Alabama* 1975, provides for the enhancement of punishment where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for the following punishment in such event: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; For the commission of a Class B Felony, a term of imprisonment of not less than 10 years; For the commission of a Class C Felony, a term of imprisonment of not less than 10 years.

☐ Enhanced Punishment For Drug Sale Near Housing Project: §13A-12-270, *Code of Alabama* 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment for each violation.

☐ Enhanced Punishment For Drug Sale Near School: §13A-12-250, *Code of Alabama* 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years' imprisonment for each violation.

☐ Enhanced Punishment For Sale Of Controlled Substance To One Under 18: §13A-12-215, *Code of Alabama* 1975, provides that anyone convicted of selling, furnishing or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

☒ Forensic Trust Fund Fee: Section 36-18-7 provides that, in addition to all fines, fees, costs and punishments prescribed by law, there shall be imposed or assessed an additional fee of \$100.00 on any conviction in any court of the state for drug possession, drug sale, drug trafficking and drug paraphernalia offenses as defined in Sections 13A-12-211 to 13A-12-260, inclusive.

Form C-44C (back) Rev. 8/95
As rev. for local use 6/98, 8/02

EXPLANATION OF RIGHTS AND PLEA OF GUILTY
(Habitual or Non-Habitual Offender - Circuit or District Court)

☒ Drug Demand Reduction Assessment Act and Loss of Driving Privileges: Section 13A-12-281 provides that, if you are convicted of a violation of §§13A-12-202, 13A-12-203, 13A-12-204, 13A-12-211, 13A-12-212, 13A-12-213, 13A-12-215 or 13A-12-231, Code of Alabama 1975, you shall be assessed an additional fee of \$1000 if you are a first-time offender or \$2000 if you are a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with Court approval, you enter a drug rehabilitation program and if you agree to pay for a part or all of the program costs. Upon successful completion of the program, you may apply to the Court to reduce the penalty by the amount actually paid by you for participation in the program. Any suspension of the penalty can be withdrawn by the Court if you fail to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, you will lose your privilege to drive a motor vehicle for a period of six months, which is also applicable if convicted under §§13A-12-214, 32-5A-191(a)(3) or 32-5A-191(a)(4).

☒ Alcohol Related Offense: If you are convicted of an alcohol or drug-related offense, you will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, you will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any program to which you are referred. Failure to submit to an evaluation or failure to complete any program to which you may be referred will be considered a violation of any probation or parole you may be granted. You may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath tests, and to pay a fee for this service. You may request a waiver of part or all of the fees assessed if you are indigent or for any portion of time you are financially unable to pay. Communitary service may be ordered by the Court in lieu of the monetary payment of fees by an indigent.

☒ DNA Samples for Criminal offenses in §36-18-24, Code of Alabama 1975. §36-18-25(c) provides that, as of May 6, 1994, persons convicted of any of the offenses set out in §36-18-24, shall be ordered by the court to submit to the taking of a DNA sample or samples.

☒ Other: AS SET OUT THE PLEA AGREEMENT.

RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You do not have to answer any questions. If you do answer questions knowing that you have a right to silence, you will have waived your right.

You have the right to enter, and continue to assert, a plea of "not guilty" or "not guilty by reason of mental disease or defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the Court, and you would have the right to take the witness stand and to testify but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross-examined by the State, just as any other witness is subjected to cross-examination. If you elect not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the Court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the Court.

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL. YOU WILL BE WAIVING THE RIGHTS OUTLINED ABOVE, EXCEPT YOUR RIGHTS RELATING TO REPRESENTATION BY AN ATTORNEY. THE STATE WILL HAVE NOTHING TO PROVE, AND YOU WILL STAND GUILTY AND BE CONVICTED AND SENTENCED BASED ON YOUR GUILTY PLEA. BY ENTERING A PLEA OF GUILTY, YOU WILL ALSO WAIVE YOUR RIGHT TO APPEAL, UNLESS (1) YOU HAVE, BEFORE ENTERING THE PLEA OF GUILTY, EXPRESSLY RESERVED THE RIGHT TO APPEAL WITH RESPECT TO A PARTICULAR ISSUE OR ISSUES, IN WHICH EVENT APPELLATE REVIEW SHALL BE LIMITED TO A DETERMINATION OF THE ISSUE OR ISSUES RESERVED, OR (2) YOU HAVE TIMELY FILED A MOTION TO WITHDRAW THE PLEA OF GUILTY AFTER PRONOUNCEMENT OF SENTENCE ON THE GROUND THAT THE WITHDRAWAL IS NECESSARY TO CORRECT A MANIFEST INJUSTICE, AND THE COURT HAS DENIED YOUR MOTION TO WITHDRAW YOUR PLEA, OR THE MOTION HAS BEEN DEEMED DENIED BY OPERATION OF LAW.

IF YOU HAVE A RIGHT TO APPEAL UNDER ONE OF THE CONDITIONS ABOVE AND YOU ARE DETERMINED BY THE COURT TO BE INDIGENT, COUNSEL WILL BE APPOINTED TO REPRESENT YOU ON APPEAL. IF YOU SO DESIRE AND IF THE APPEAL IS FROM A CIRCUIT COURT JUDGMENT OR SENTENCE, A COPY OF THE RECORD AND THE REPORTER'S TRANSCRIPT WILL BE PROVIDED AT NO COST TO YOU.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND AN EXPLANATION WILL BE MADE.

Date 9/27/05

SEP 27 2005
ATTORNEY'S CERTIFICATE

Judge [Signature]

I certify that the above was fully read to the Defendant by me, that I explained the penalty or penalties involved with the Defendant, that I discussed in detail the Defendant's rights and the consequences of pleading guilty; and that, in my judgment, the Defendant understands the same and that he/she is knowingly, voluntarily and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the Court that I have in no way forced or induced the Defendant to plead guilty and to my knowledge no one else has done so.

Date 9/27/05

Attorney [Signature]

DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY

I certify to the Court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement that will be stated upon the record.

I further state to the Court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently and voluntarily waive my right to a trial in this case. I further state to the Court that I am satisfied with my attorney's services and his/her handling of my case.

Date 9/27/05

Defendant [Signature]